

Comments on The Draft Law on Youth

TIED YOUTH

Summary

Macedonian experience in supporting youth organizations until now has meant their politicization and attempt to control youth. Adoption of the proposed draft law by the Parliament would mean more control and monopoly, rather than promotion of youth participation.

The Parliament has a significant role in promotion of democracy, so as such, it has to open the process of creation of this law and to guarantee the largest possible youth participation in this process and better consistency with European standards.

Ever since Macedonia gained its independence, youth questions and youth organizing have been left on the outside margins of every government's policy. Left without any kind of support, young people have failed to break down the monopoly of inherited traditional forms of school and student organizing. On the other hand, state and public institutions have always protected the interests of monopolistic youth associations guarding them under their own umbrella. This resulted in lesser and lesser participation of young people in these traditional youth structures, which only formally participate in the decision making processes and usually represent the interests of the current ruling political structure, not the youth population. At this point, Macedonia finds itself in a position to be the only country in Europe without an independent youth council.

Therefore it is very good that finally with this law the issue of youth participation is getting back in the focus of attention. However, we are worried regarding the serious weaknesses of the proposed Law on Youth, as well as the non-existing participation and inclusion of the youth population in the process of its creation.

It is of great importance for the Law on Youth that will be brought into power to be consistent with European standards and legislation in this area. The Draft version of the Law, which was recently presented to the Parliament, unfortunately falls significantly behind these standards.

We feel most concerned with the following:

The Draft Law on Youth was created in a nontransparent procedure, without public debate and without inclusion of most of the youth organizations in the process. The government has skipped the analysis phase of possible alternative solutions in this area, by only conducting a comparative analysis of the legislation regarding the need of a Law on Youth. The process, initiated by the Agency for Youth and Sport, happened behind closed doors in the ministries with a selective access and no possibility for youth organizations to present their points of view and needs of the youth population and to recommend measures that will improve the position of young people in our society.

Therefore, we believe that the Parliament must commit itself to guarantee youth inclusion (no matter whether they belong to an organization or not) in the following processes of improving the Draft Law. This approach is especially significant knowing that for the first time in 20 years there is an attempt to define the position of young people in a legal framework.

The right of youth participation in the State Youth Council should not be limited. The Draft Law at this point does not guarantee this, nor does it guarantee participation of young people in the decision making process on local and national level. On the contrary, the provisions show an intention for complete government control over this body. It is foreseen for the government to name the majority of the members in this council (continues on next page)



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(from its own ministries). This is contrary to the recommendations of the Council of Europe, the Strategy for Youth of the EU (2010-2018) and the White Book for Youth.

We support the idea for the government to form mixed advisory bodies where young people will participate, but this in no way can be done in the State Youth Council, because it is a body where young people need to be organized by themselves in a way most fitting to their needs, where the right to participate will be given to all young people and they will be elected directly by their peers.

The Law must foresee adequate budget implications, tightly connected to the need of financing specific activities for fulfilling the goals listed in the Law. The budget estimation foreseen in the draft Law (100 000 MKD a year, equaling to 1600 euros a year) are neither realistic nor enough to expect any kind of improvement of the position of youth in society and with that fulfillment of the goals of the law. Such low yearly national budget shows that there is only declarative interest of government institutions towards the youth population.

The goals of the draft law are placed high, but no effective mechanisms are foreseen for their realization. The primary goal of the draft law is creation and implementation of youth policy. The legal provisions at no point define that local youth councils and/or the state youth council will deal with implementation of youth policies and even less with their creation. This leaves the impression that the youth councils foreseen with this law are merely planned as a décor or an alibi for the policies of local and central governments, instead of a way to create and implement youth policies.

There is an array of omissions in the regulation of youth organizations, where unnecessary procedures and unattainable criteria are foreseen for their registration. Unclear legal stipulations exclude certain categories of organizations and leave space for unequal and selective approach in the registration process.

A more detailed review of the critiques of the draft law, prepared by Reactor- research in action and Youth Educational Forum can be found at the following link www.mladizakon.org

Members of Parliament of the Republic of Macedonia need to do everything that is in their power to enable an inclusive process for improvement of the text of the Law on Youth, which will guarantee larger youth participation; will take into account these recommendations and will be consistent with European and international standards.